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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,688	06/25/2003	Bill Kitchen	23952-0032	1350
72386	7590	05/08/2008		
SUTHERLAND II SUTHERLAND, ASBILL & BRENNAN, LLC 999 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 05/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,688

Applicant(s)

KITCHEN ET AL.

Examiner

Raquel Alvarez

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/7/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 76-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1/14/08, 1/14/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 3688

DETAILED ACTION

1. This office action is in response to communication filed on 1/7/2008.
2. Claims 76-109 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 76-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al. (5,220,501 hereinafter Lawlor) in view of Bednar et al. (5,832,460 hereinafter Bednar).

With respect to claims 76, 86, 96-97, 103, Lawlor teaches receiving, at a service provider from a consumer, a notification directive associated with a bill presentment option and a payment directive associated with an auto-pay option, wherein the notification directive and the payment directive are associated with a biller for the consumer (Figure 16A);

transmitting a notice of availability of the bill from the service provider to the consumer based upon the notification directive associated with the bill presentment option (Figure 9, 388);

automatically directing payment of the bill by the service provider on behalf of the consumer based upon the received bill information and the payment directive associated with the auto-pay option, wherein payment of the bill is

automatically directed without the service provider receiving a specific request to pay the bill from the consumer (figure 16A).

With respect to receiving, at the service provider from the biller, bill information associated with a bill for the consumer. Lawlor teaches the service provider receiving from a consumer a list of bill information. Including payees information and payment information for each biller to be paid. Lawlor doesn't specifically teach the biller sending the bill information to the service provider. Bednar on the other hand teaches a method and system for bill presentation and payment reconciliation. The biller (i.e. bill originator 101) transmitting electronic bill 201 to service provider (i.e. electronic bill presenter 200). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Bednar of receiving, at the service provider from the biller, bill information associated with a bill for the consumer because such a modification would save the customer money and time by having the biller send the billing information directly to the service provider.

Claims 77-79, 87-89, further recite automatically directing payment of the second bill by the service provider on behalf of the second consumer based upon the received second bill information and the second payment directive associated with the auto-pay option, wherein payment of the second bill is automatically directed without the service provider receiving a specific request to pay the second bill from the second consumer (i.e. the auto-pay options is available for multiple consumer and multiple billers)(Figure 16A).

With respect to claims 80, 90, 102, Lawlor further teaches, wherein the first notification directive instructs the service provider to transmit notices of availability of bills from the first biller to the first consumer (see Figure 13), and wherein the second notification directive instructs the service provider to not transmit notices of availability of bills from the second biller to the second consumer (see figure 16A).

With respect to claims 81-84, 91-94, 98-101, 104-108 Lawlor further teaches wherein the bill is one of a plurality of future bills and identifies a period of time for the service to pay the future bills (See figure 14B) in an amount equal to a fixed amount and identifies a payment frequency for the service provider to pay future bills (Figure 17B).

With respect to claim 85, 95, 109 Lawlor further teaches determining the biller account number based upon the received payment directive that does not include the biller account number (i.e. the customer user his userID and password to gain access to the biller's account information)(col. 36 ,lines 28-50).

Response to Arguments

5. Applicant's arguments with respect to claims 76-109 have been considered but are moot in view of the new ground(s) of rejection.

Point of contact

Art Unit: 3688

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
4/11/2008

